

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 JUNE 2023

10:00 AM, HYBRID MEETING (OFFICE & VIDEO CONFERENCE)

FOR DISCLOSURE VIA THE PUBLICATION SCHEME

In line with the Commission's Disclosure policy, various paragraphs may have been edited or deleted from these minutes as the information contained therein relates to specific case information and/or personnel-related matters. Where the summary of discussion has been edited or the names have been deleted, this is indicated at the start of the relevant paragraph or section.

Present:

Mr Bill Matthews (Chair) – office
Mr Raymond McMenamin – video conference
Ms Laura Reilly - office
Mrs Elaine Noad – office
Mrs Gillian Mawdsley – office
Ms Jacqueline Fordyce – office
Professor Jim Fraser - office

Also Present:

Mr Michael Walker, Chief Executive – office
Mr Chris Reddick, Director of Corporate Services (minutes) – office
Miss Frances McMenamin KC – office

Section 1: Governance Matters

1.1 Apologies

Mr Quinn had submitted his apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

Members were asked to declare any known conflicts of interests or gifts and hospitality.

There were no conflicts of interest or declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 26 May 2023

The Board approved the minutes of the Board meeting held on 26 May 2023. The Board also approved the version of the minutes for the Publication Scheme subject to the same minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Chair's Report

1.5.1 Mr Matthews provided the Board with an update on the following matter:

- He provided Members with an update on the Lay Member recruitment process and confirmed that interviews would take place, following initially sifting, on 13 July 2023.

1.6 Chief Executive's Report

1.6.1 Mr Walker provided the Board with updates on the following matters:

- He reported that the Deputy First Minister had issued a supplementary pay award for 2022-23 which impacted on admin staff within the Commission and recommended the implementation of a pilot well-being hour for all staff for a 12 month period, which he confirmed would be taken forward from 1 July 2023.
- He reported that he had attended the Sir Gerald Gordon Seminar on 13 June 2023.
- He confirmed that Mr James O'Loughlin, one of the investigators from the New Zealand CCRC, had visited the Commission from 12 – 15 June 2023 and spent time with all key staff looking at the SCCRC's review process and procedures.
- He reported that he had met with Professor Penney Lewis from the CCRC on 14 June 2023 to discuss a review being undertaken by the English Law Commission, which included looking at the tests applied by the Court and the CCRC.

1.6.2 Mr Walker provided the Board with an update on the Commission's ongoing engagement programme, confirming that prison talks had now resumed, with Mrs Govan and Miss McNab undertaking the first visits to HMP Edinburgh on 7 and 8 June 2023. He also confirmed that the first session with the PDSO has taken place on 21 June 2023.

1.6.3 Mr Walker advised Members that a new consultation on the Victims, Witnesses and Justice Reform (Scotland) Bill was now live and responses were sought by 8 September 2023. He confirmed that a paper would be brought to the Board in advance for consideration.

1.7 Court Decisions

There were no court decisions.

1.8 Correspondence:

There was no correspondence.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There was no notification of non-case related work by Members.

2.2 Training & Development

The following training was undertaken since the date of the last meeting:

- Mr Lynn had attended a Data Protection training event on 6 June 2023 and will be cascading this training to staff.
- Mr Lynn and Mr Fenn had attended a Law Society training event on Law and Technology on 14 June 2023.

2.3 2022-23 Annual Reporting Update (Mr Reddick)

Mr Reddick provided the Board with an update on the year-end audit of the annual accounts, confirming that Audit Scotland would be onsite in early July 2023 to commence their work. He noted that the scheduled completion date was the end of October 2023, which was earlier than 2022. He also noted that they had given an undertaking to pull the audit back to its normal cycle in 2024, when the accounts could be laid by the end of June 2024.

2.4 2023-24 Business Plan (Mr Reddick)

Mr Reddick confirmed that the draft 2023-24 Business Plan had been updated with all year-end performance information and proposed business plan objectives for 2023-24, before being circulated to Members for consideration. He provided a summary of the key business plan objective and after full discussion the Board approved the 2023-24 Business Plan.

2.5 National Records of Scotland: SCCRC Records Management Plan (Mr Reddick)

Mr Reddick referred Members to the correspondence received from the National Records of Scotland, confirming that the Commission's Records Management Plan had been approved. He also referred to the attached report from the Keeper of the Records of Scotland which identified one amber rated recommendation in respect of archiving and transfer where some follow-up work and advice was required.

Section 3: Case Matters

3.1 Monthly Case Summary

Mr Walker confirmed that a total of 12 new applications had been received in June 2023.

3.2 – 3.8 There were no cases in any of these categories.

Section 4: Proposed Referral Cases (edited)

4.1 The Board considered and agreed to refer 1 case to the High Court.

Section 5: Proposed Interim Cases (edited)

5.1 – 5.6 The Board considered 6 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Mr Matthews and Ms Reilly had each left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 6: Proposed Supplementary Cases (edited)

6.1 – 6.2 The Board considered 2 supplementary statements of reasons. After full discussion it finally agreed not to refer those cases to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1 – 7.11 A total of 11 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of conviction and sentence
1 case	Reject: the applicant had not appealed
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: there were no plausible or stateable grounds of review
3 cases	Rejected: in each case the applicant had not appealed and there were no plausible or stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
1 case	Rejected: there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for full review
1 case	Rejected: in respect of conviction the applicant had not appealed and there were no plausible or stateable grounds of review; and in respect of sentence there were no plausible or stateable grounds of review

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 28 July 2023 @ 10:00

C Reddick
18 July 2023